

REMARKS

AMENDMENTS

Claim 1 is amended herein. Support for the amendment can be found in the specification at p.4:42, p.5:6, and p.9:23. No new matter is introduced.

REJECTIONS UNDER 35 USC §103(A)

Applicants respectfully traverse the rejections of record set forward under 35 USC §103(a).

Baert *does not* teach mixing and plasticizing an active ingredient and cyclodextrin *in the presence of* a polymeric binder. The examiner's citation to col.3:33-40 is simply a reference to a general description of the prior art technique of melt extrusion. It is undoubtedly the case that extruders and melt extrusion were known in the art, and are not part of the inventive contribution of Baert. Further, the examiner's citation to col.4:15-25 is inapplicable, as a polymer *is not* an "additive" and in any event, the additives disclosed by Baert do not include polymers. Accordingly, from the examiner's arguments, it cannot be concluded that Baert teaches a process wherein cyclodextrin, an active ingredient, and a polymeric binder are mixed before melting and shaping.

A further difference between Baert and the presently claimed invention is in the requirement that the ingredients be mixed and plasticized at temperatures below 220°C. From tables 1 and 2 of Baert, it is clear that the processes therein were undertaken substantially above this temperature. Therefore, no suggestion is made to

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carry out the extrusion process at temperatures below 220°C.

Klimesh simply discloses a combination of melt-extrusion with subsequent shaping of the extrudate while still deformable. Although this process was known to Baert, as seen in col.3 of that patent, Baert did not proceed further to include the idea of introducing a polymer into the mixture to be extruded. Baert only suggests adding polymers *after* the melt-extrusion, which leads in a direction different from that of present invention, and thereby teaches away from the presently claimed invention. A combination of the Baert and Klimesh references does not make the present invention obvious.

#### CONCLUSION

In view of the accompanying amendments and remarks, applicants consider that the rejections of record have been obviated and respectfully solicit passage of the application to issue.

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Respectfully submitted,  
KEIL & WEINKAUF

A handwritten signature in black ink, appearing to read 'David C. Liechty', with a long horizontal flourish extending to the right.

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